



For a thriving New England

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SUBMITTED VIA ELECTRONIC FORM ON EPA REGION I WEB SITE AND BY U.S. MAIL

http://www.epa.gov/region01/foia_res.html

Regional Freedom of Information Officer
U.S. EPA New England, Region 1
JFK Federal Building
One Congress Street, Suite 1100 (OARM)
Boston, MA 02114-2023

Re: Freedom of Information Act Request

Dear Sir or Madam:

Please accept this correspondence as a formal request pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 *et seq.* to produce all records documenting or pertaining to the following:

1. Records concerning stormwater discharges occurring at Pease International Tradeport and Airport ("Pease International");
2. Records concerning practices, procedures, protocols and documentation related to inspections at Pease International by PDA and any local, state, and/or federal agencies;
3. Records concerning perfluorooctanesulfonate or perfluorooctanoate at or near Pease International;
4. Records concerning sampling or groundwater or surface water in or around Pease International;
5. Records concerning the installation of technology-based effluent methodology for stormwater control at Pease International;
6. Records concerning Pease International and any Multi Sector General Permit ("MSGP") including any compliance with such permit and its associated permitting process, including all draft and final Stormwater Pollution Prevention Plans ("SWPPP") and portions thereof and attachments thereto;
7. Records concerning Pease International and any Resource Conservation and Recovery Act ("RCRA") Permit including any compliance with such permit and its associated permitting process;
8. Records concerning actual or potential implementation of best management practices at Pease International including, but not limited to, coverage of outdoor material, waste, refuse, or scrap piles and equipment and vehicles; and

9. Records concerning practices, procedures, protocols and documentation related to inspections at Pease International by any local, state, and/or federal agencies.

Under FOIA, The Conservation Law Foundation (“CLF”) hereby requests the records described above. PDA has owned and operated Pease International since 1997 as a body politic and corporate of the state. NH Rev Stat § 12-G:3 (2015). Pease International is also a regulated small municipal separate storm sewer system (“MS4”), pursuant to 40 CFR §§ 122.26(b)(8) and 122.26(b)(16).¹ CLF requests disclosure of all requested records including any and all nonexempt portions of records that are otherwise determined to be exempt from review under the FOIA pursuant to 5 U.S.C. §552(b). *Wightman v. Bureau of Alcohol, Tobacco & Firearms*, 755 F.2d 979, 983 (1st Cir. 1985).

CLF believes that these records reside primarily with the Office of Ecosystem Protection in either the Water Quality Branch or the Surface Water Branch, although additional branches, such as the Office of Regional Counsel or Resource Conservation and Recovery Act Enforcement Program, may possess records responsive to this request. CLF looks forward to a response and determination from your office within twenty working days of receipt of this request consistent with 5 U.S.C. § 552(a)(6) and 40 C.F.R. § 2.104. If this request is denied in whole or in part, CLF is entitled to receive, at a minimum, (1) a detailed index/list of the records withheld, including the name of the record, the subject of the record, the author of the record, and the date of the record; and (2) EPA’s basis for withholding the records. *Church of Scientology Int’l v. U.S. Dep’t of Justice*, 30 F.3d 224, 228 (1st Cir. 1994); *Vaughn v. Rosen*, 484 F.2d 820, 823-28 (D.C. Cir. 1973), *cert. denied* 415 U.S. 977 (1974).

Additionally, because CLF works on behalf of the public interest and this FOIA request is made in furtherance of the public interest, CLF requests a waiver of any and all fees associated with the disclosure of records pursuant to this request. The FOIA and EPA’s regulations provide that records will be furnished at reduced or no charge when disclosure “is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C. §552(a)(4)(A)(iii); 40 C.F.R. §2.107(l).

CLF works to solve the environmental problems that threaten the people, natural resources, and communities of New England. CLF advocates use law, economics, and science to design and implement strategies that conserve natural resources, protect public health, and promote vital communities in our region. Founded in 1966, CLF is a non-profit, member-supported organization. CLF is a leader in addressing important environmental policies affecting New England’s water and air quality, marine ecosystems, wildlife, forests, and communities. CLF has played a critical role in the preservation and enhancement of the waters of Massachusetts and has been a leader in addressing the environmental crisis posed by nonpoint source pollution of the Commonwealth’s rivers, lakes, and shoreline ecosystems.

¹ The U.S. Environmental Protection Agency promulgated 40 C.F.R. §§ 122.30 – 122.37, requiring small MS4s to obtain NPDES permit coverage for their stormwater discharges, pursuant to the statutory mandate set forth in Section 402(p)(6) of the Clean Water Act, 33 U.S.C. §§ 1342(p)(6).

Consistent with the fee waiver provisions of the FOIA statute and EPA regulations, CLF seeks the information referred to in this request in order to better understand the factual and policy issues concerning stormwater pollution in waterways located in and around Pease International, the Piscataqua River, and the Great Bay, on behalf of its members and the public. CLF has no commercial interest whatsoever that will be furthered by this disclosure. 40 C.F.R. §2.107(l)(2)-(3). Consequently, a fee waiver is appropriate under FOIA and EPA regulations.

CLF appreciates that this request potentially may involve a large volume of administrative material and is willing to discuss ways to streamline the response.

Please send the requested documents to:

Zachary Knox Griefen
Environmental Enforcement Litigator
Conservation Law Foundation
15 East State St., Suite 4
Montpelier, VT 05602-3010
P: 802-223-5992, ext. 4011
E: zgriefen@clf.org

Please contact me if any further information is necessary. Thank you very much for your consideration and prompt response to this request.

Sincerely,



Zachary Knox Griefen
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Conservation Law Foundation
15 East State St., Suite 4
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cc: Stephen S. Perkins, Office of Ecosystem Protection, U.S. EPA, Region 1, 5 Post Office Square, Suite 100, Boston, MA 02109-3912
William Walsh-Rogalski, U.S. EPA, Region 1, 5 Post Office Square, Suite 100, Boston, MA 02109-3912

Thelma Murphy, Regional Stormwater Coordinator, U.S. EPA, Region 1, 5 Post Office Square, Suite 100, Boston, MA 02109-3912

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